

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHEILA PORTER

Plaintiff,

v.

ANDREA CABRAL, SUFFOLK COUNTY
SHERIFF'S DEPARTMENT, and SUFFOLK
COUNTY

Defendants.

Civil Action No.04-11935-DPW

DECLARATION OF WENDY A. KAPLAN

I, Wendy A. Kaplan, depose and state the following:


1. I am an attorney in the Law Office of Wendy A. Kaplan with offices at 18 Tremont Street, Suite 704, Boston, Massachusetts.
2. My practice is concentrated in the fields of employment discrimination and civil rights litigation in the state and federal courts. I am familiar with the usual hourly rates charged by attorneys in such cases. I have successfully litigated discrimination cases against a wide variety of corporate, academic and public employers, and I have served on the faculty of continuing legal education seminars for the ABA, MBA, BBA, MCLE, MATA and the national and regional conferences of the National Employment Lawyers' Association ("NELA"). I have served as Vice Chair of the Massachusetts Employment Lawyers' Association ("MELA") and currently serve as Chair of MELA's Amicus Brief Committee.

3. I have been awarded legal fees in several civil rights and employment discrimination cases in which I have prevailed in recent years. For example, on June 12, 2006, I was awarded legal fees at the rate of \$350 per hour in *Lopez v. Superior Nut Co.*, No. 02-5299 (Mass. Sup. Ct.). Two associates, Jeremy P. Cattani and Anne Glennon, were awarded fees at the rates of \$250 and \$225 per hour, respectively. Similarly, on December 15, 2005, I was awarded legal fees at the hourly rate of \$350 per hour in *Lay v. Motti Electric Co.*, No. 04-4097 (Mass. Sup. Ct.). In that case, Mr. Cattani and Ms. Glennon were awarded fees at the rates of \$250 and \$225, respectively. A copy of this decision is attached as Ex. A.

4. I do not know Attorney Savage personally. I have reviewed his credentials, however, and I am familiar with his reputation. I believe he is an outstanding attorney, and he obtained a superlative result in the *Porter* case. I believe that \$380 per hour is more than reasonable for Mr. Savage given his experience and reputation. In addition, I believe that \$240 per hour for an associate and \$110 per hour for a paralegal are appropriate rates for this case.

5. I understand that plaintiff is requesting compensation for approximately 1,000 hours of attorneys' fees in this case. It is my opinion that this is a reasonable amount of time to spend on complex civil rights case such as the *Porter* matter. I understand that this case was extremely hard-fought, involved multiple parties, and also included extensive motion practice with the federal government. I also note that, in the *Lopez* case, we received compensation for more than 1,600 hours of attorney and paralegal time, in part due to the aggressive manner in which the defendants litigated that case.

Signed under the penalties of perjury this 3rd day of August, 2006.


WENDY A. KAPLAN